

## **§ 25.31**

requested in the application form for the applicant to obtain a benefit. We estimate the public reporting burden for the SUP application form to be 30 minutes per response. This includes time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222 ARLSQ, Washington, DC 20240 (1018-0014 or 1018-0102).

[65 FR 56400, Sept. 18, 2000]

### **Subpart C—Public Notice**

#### **§ 25.31 General provisions.**

Whenever a particular public access, use or recreational activity of any type whatsoever, not otherwise expressly permitted under this subchapter, is permitted on a national wildlife refuge or where public access, use, or recreational or other activities previously permitted are curtailed, the public may be notified by any of the following methods, all of which supplement this subchapter C:

(a) Official signs posted conspicuously at appropriate intervals and locations;

(b) Special regulations issued under the provisions of § 26.33 of this subchapter C.

(c) Maps available in the office of the refuge manager, regional director, or area director, or

(d) Other appropriate methods which will give the public actual or constructive notice of the permitted or curtailed public access, use, or recreational activity.

### **Subpart D—Permits**

#### **§ 25.41 General provisions.**

Permits required by this subchapter C can be obtained from the administrative office responsible for the refuge where the activity is to take place. If the applicant is required to obtain the applicable permit from the Director or Secretary, the refuge manager will so inform the applicant, giving the applicant all the necessary information as to how and where to apply.

## **50 CFR Ch. I (10–1–00 Edition)**

#### **§ 25.42 Permits required to be exhibited on request.**

Any person on a national wildlife refuge shall upon request by any authorized official exhibit the required Federal or State permit or license authorizing their presence and activity on the area and shall furnish such other information for identification purposes as may be requested.

#### **§ 25.43 Revocation of permits.**

A permit may be terminated or revoked at any time for noncompliance with the terms thereof or of the regulations in this subchapter C, for nonuse, for violation of any law, regulation or order applicable to the refuge, or to protect public health or safety or the resources of a national wildlife refuge.

#### **§ 25.44 Easement area permits.**

(a) The provisions of this subsection shall govern the regulation of activities that affect easement interests acquired by the United States. All other provisions of subchapter C shall apply to activities within such easement areas, but only to the extent that those provisions are directly or indirectly related to the protection of those easement interests expressly acquired by the United States which are specified in the easement agreement itself, and are not inconsistent with the provisions of this subsection.

(b) Permits for use of easement areas administered by the Service are required where proposed activities may affect the property interest acquired by the United States. Applications for permits will be submitted in writing to the regional director or a designee. Special use permits may be granted to owners of servient estates, or to third parties with the owner's agreement, by the regional director or a designee, upon written determination that such permitted use is compatible with the purposes for which the easement was acquired. If it is ultimately determined that the requested use will not affect the United States' interest, the regional director will issue a letter of non-objection.

(c) In instances where the third applicant is a governmental entity which has acquired a partial interest in the

servient estate by subsequent condemnation, a special use permit may be granted to the governmental entity without the servient estate owner's agreement if the regional director or his or her designee determines:

(1) The permitted use is compatible with the purpose for which the Service's easement was acquired; and

(2) The permitted use is consistent with the partial property interests obtained through condemnation.

(d) The regional director or designee may require mitigation measures, as determined appropriate, within the easement area, in order to make the proposed use compatible with the purposes for which the easement was acquired. Such mitigation measures are solely for the purpose of complying with the requirement of the National Wildlife Refuge Administration Act that the use be compatible with the purpose for which the area was established. If the proposed use cannot be made compatible through permit stipulations and/or mitigation, the permit will be denied.

(e) Regulations pertaining to rights-of-way in easement areas are contained in 50 CFR part 29.21.

[51 FR 7575, Mar. 5, 1986]

#### § 25.45 Appeals procedure.

(a) *Who may appeal.* Any person who is adversely affected by a refuge manager's decision or order relating to the person's permit granted by the Service, or application for permit, within the National Wildlife Refuge System. This section does not apply to permits or applications for rights-of-way. See § 29.22 for the hearing and appeals procedure on rights-of-way.

(b) *Preliminary procedure.* Prior to making any adverse decision or order on a permit or application for permit, the refuge manager shall notify the permittee or applicant orally or in writing of the proposed action and its effective date. The permittee or applicant shall have twenty (20) days after notification in which to present to the refuge manager, orally or in writing, a statement in opposition to the proposed action or date. The permittee or applicant shall be notified in writing within twenty (20) days after receipt of

the statement in opposition, of the refuge manager's final decision or order.

(c) *Appeals, how taken.* If the refuge manager still intends to proceed with the proposed action, the permittee or applicant shall have thirty (30) days from the postmarked date of the refuge manager's final decision or order in which to file a written appeal to the appropriate area manager. The appellant (permittee or applicant) shall be notified in writing within thirty (30) days from the postmarked date of the appeal of the area manager's decision. The appellant shall have (30) days from the postmarked date of the area manager's decision to further appeal in writing to the appropriate regional director.

(d) *Decision of regional director.* The regional director's decision shall be final and issued in writing to the appellant within thirty (30) days from the postmarked date of the appeal.

(e) *Oral presentation.* The appellant shall be provided an opportunity for oral presentation before the area manager or the regional director within the respective thirty (30) day appeal periods.

(f) *Addresses.* The addresses of the appropriate officials to whom appeals may be taken shall be furnished in each decision or order.

(g) *Suspension pending appeal.* Compliance with any decision or order of a refuge manager shall not be suspended by reason of an appeal having been taken unless such suspension is authorized in writing by the area manager or regional director (depending upon the official before whom the appeal is pending), and then only upon a determination by these officials that such suspension will not be detrimental to the interests of the United States or upon submission and acceptance of a bond deemed adequate to indemnify the United States from loss or damage.

[42 FR 64120, Dec. 22, 1977. Redesignated at 51 FR 7575, Mar. 5, 1986]

### Subpart E—Fees and Charges

SOURCE: 52 FR 29860, Aug. 12, 1987, unless otherwise noted.